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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

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11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 vs.
14 CLAYTON HOWARD,
15 Defendant.

16 Case No.: 2:20-cr-090 MCE

17 STIPULATION AND ORDER
CONTINUING STATUS CONFERENCE
AND EXCLUDING TIME UNDER THE
SPEEDY TRIAL ACT

18 Date: January 14, 2021
19 Time: 10:00 a.m.
20 Court: Hon. Morrison C. England, Jr.

21 Plaintiff United States of America by and through Assistant United States Attorney
22 Cameron Desmond, and Attorney Todd Leras on behalf of Defendant Clayton Howard, stipulate
23 as follows:

- 24
- 25 1. This matter is presently set for a status conference on January 14, 2021.
26 2. This case involves a felon in possession of ammunition charge stemming from

27 execution of a search warrant in San Joaquin County. Defendant appeared for
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1 arraignment on the charge contained in the Indictment on July 15, 2020. The case
2 was set for an initial status conference before this Court on August 27, 2020. The
3 government has provided written reports related to execution of the search warrant to
4 defense counsel as discovery materials.
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6 3. Defense investigation of this matter has been hampered due to measures taken by
7 federal and state authorities in response to the COVID-19 pandemic. Specifically,
8 pandemic restrictions delay the ability of the defense to conduct in-person interviews
9 of potential witnesses and to obtain relevant records needed to evaluate potential
10 defenses and for purposes of mitigation in the event of a negotiated disposition.

11 Defendant Howard therefore requests to continue this matter to April 22, 2021.

13 4. Defendant Howard is being held in pre-trial detention at the Sacramento County Main
14 Jail. During the entire time since Mr. Howard's arrest in this matter, federal
15 courthouses in the Eastern District of California have been closed to public access.
16 General Order 628, issued on January 4, 2021, has extended public access restrictions
17 to federal courthouses in the district for an additional 90-days from the date of the
18 order – a closure order that essentially shuts public access to the federal courthouse
19 through the first week of April 2021.

21 5. Given the need for additional time to conduct defense investigation, Defendant
22 Howard requests to continue the status conference in this matter to April 22, 2021, at
23 10:00 a.m., and to exclude time between January 14, 2021 and April 22, 2021,
24 inclusive, under Local Code T-4. The United States does not oppose this request.

26 6. Attorney Todd Leras represents and believes that failure to grant additional time as
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1 requested would deny Defendant Howard the reasonable time necessary for effective
2 preparation, considering the exercise of due diligence.

- 3
- 4 7. Based on the above-stated facts, Defendant Howard requests that the Court find that
5 the ends of justice served by continuing the case as requested outweigh the best
6 interest of the public and the Defendant in a trial within the time prescribed by the
7 Speedy Trial Act.
- 8 8. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, *et*
9 *seq.*, within which trial must commence, the time period of January 14, 2021 to April
10 22, 2021, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), and
11 (B) (iv) [Local Code T-4] because it results from a continuance granted by the Court
12 at Defendant Howard's request on the basis that the ends of justice served by taking
13 such action outweigh the best interest of the public and the Defendant in a speedy
14 trial.
- 15 9. Nothing in this stipulation and order shall preclude a finding that other provisions of
16 the Speedy Trial Act dictate that additional time periods are excludable from the
17 period within which a trial must commence.

20 Assistant U.S. Attorney Cameron Desmond has reviewed this proposed order and
21 authorized Todd Leras via email to sign it on her behalf.

23 DATED: January 11, 2021

MCGREGOR W. SCOTT
United States Attorney

25 By /s/ Todd D. Leras for
CAMERON DESMOND
26 Assistant United States Attorney

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1 DATED: January 11, 2021

2 By /s/ Todd D. Leras
3 TODD D. LERAS
4 Attorney for Defendant
5 CLAYTON HOWARD

6 **ORDER**

7 Pursuant to the foregoing stipulation, it is hereby ordered that the status conference in this
8 matter, scheduled for January 14, 2021 is vacated. A new status conference is scheduled for
9 April 22, 2021, at 10:00 a.m. The Court further finds, based on the representations of the parties
10 and Defendant Howard's request, that the ends of justice served by granting the continuance
11 outweigh the best interests of the public and the Defendant in a speedy trial. Time shall be
12 excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(B)(iv) and Local Code T-4, to
13 allow necessary attorney preparation taking into consideration the exercise of due diligence for
14 the period from January 14, 2021, up to and including April 22, 2021.

15 IT IS SO ORDERED.
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17 Dated: January 12, 2021

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21 MORRISON C. ENGLAND, JR.
22 SENIOR UNITED STATES DISTRICT JUDGE
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